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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,888	01/17/2001	Tomoki Nishimura	1075.1138/JDH	4968
21171	7590	03/24/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,888

Applicant(s)

NISHIMURA, TOMOKI

Examiner

Marissa Thein

Art Unit

3625

MLW

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 17, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings filed on January 17, 2001 are acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For examination purposes, the claims will be given the broadest reasonable interpretation.

Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases "the second-named displaying" and "the first-named displaying" lack antecedent bases.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3625

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,167,383 to Henson. Regarding claims 1 and 6, Henson discloses a method and system comprising:

- at a manufacturer server the appearance specification which are to be reflected on appearance of a prospective custom-made product having a plurality of candidates; storing interior specifications information about interior specification of the custom-made product (see at least col. 4, lines 36-52; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; Figures 3-6) and
- at the customer terminal displaying a first menu containing the appearance image information about the appearance specification of all candidates for selection by a customer; and selecting a candidate of the appearance specification form the first menu on the display section; and displaying a second menu containing all kinds of the interior specifications information corresponding to the selected of the appearance specification for selection by the customer (see at least col. 4, lines 53-66; col. 5, line 66 – col. 6, line 6; col. 6, lines 18-43; Figures 3-6).

Regarding claims 2-5, 7-9, 11-13, 15, and 17-20, Henson discloses the second menu contains the kinds of the interior specification and all the candidates for each kind; delivery information about an estimated delivery term for every candidate is displayed; confirmation page containing the appearance image information of the prospective

custom-made product which corresponds to the result of the selecting and transmits the confirmation page to the customer; and the custom-made product is a personal computer and the appearance specification are display specifications. (See at least Figures 3-6; Figures 9-10; col. 4, lines 53-56; col. 6, line 31-43; col. 7, lines 13-21; col. 7, lines 39-56; col. 7, line 57-col. 8, line 6; col. 8, line 56 – col. 9, line 25)

Regarding claim 10, Henson discloses a manufacture server which has a database which previously stores image of prospective custom-made product for appearance specifications which are to be reflected on appearance of the custom-made product and have a plurality of candidate for selection, the database also previously storing interior specification information about h interior specifications of the customer-made product for selection; the manufacturer server reads out a plurality of appearance image information, as the candidates of the appearance specifications, from the database and transmits the read-out candidates of the specification to the customer terminal for displaying as a first menu so that customer selected at lest one desired candidate; and the manufacturer server reads out the interior specifications information from the database which information corresponding to the selected candidate of the appearance specifications, and transmit the read-out interior specifications information, which includes a plurality of candidates, to the customer for displaying as a second menu so that the customer can select. (See at least col. 4, lines 36-52; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; Figures 3-6)

Regarding claim 14, Henson discloses a customer terminal comprising a display section for displaying various kinds of informaion; the display section displays a first

Art Unit: 3625

menu containing appearance image information of a prospective custom-made product for appearance specifications which are to be reflected on appearance of the prospective custom-made product and have a plurality of candidates, the appearance image information of the individual candidate being received from the manufacturer server for selection from the displayed first menu by a customer; and the display section displays a second menu containing interior specification information about the prospective custom-made product, the interior specifications information corresponding to the selected candidate of the appearance specifications and being received from the manufacturer server for selection in the second menu by the customer. (See at least col. 4, lines 53-66; col. 5, line 66 – col. 6, line 6; col. 6, lines 18-43; Figures 3-6)

Regarding claim 16, Henson discloses a method of selecting specifications of a custom-made product, comprising: transmitting, from a manufacturer server to a customer terminal, appearance image information of a prospective custom-made product for appearance specifications which are to be reflected on appearance of the prospective custom-made product and have a plurality of candidates, and displaying, on a display section of the customer terminal, a first menu containing the appearance specifications for every candidate for selection in the first menu by a customer; selecting one candidate from all the candidates of the appearance specifications in the first menu display on the display section; transmitting, from the manufacturer server to the customer terminal, various kinds of interior specifications information about interior specifications of the prospective custom-made product, and displaying, on the display of the customer, a second menu containing all kinds of the interior specifications

Art Unit: 3625

information corresponding to the selected candidate of the appearance specifications for selection in the second menu by the customer; and selecting desired kinds of the interior specifications from the second menu on the display section by the customer as those of the prospective interior specifications. (See at least summary; col. 4, lines 26-54; col. 5, lines 29-54; col. 6, lines 5-43; col. 7, lines 39-56; col. 5, line 66 – col. 6, line 6; Figures 3-6)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,083,267 to Motomiya et al. discloses a system and a method for designing an accessory.

U.S. Patent no. 6,414,693 to Berger et al. discloses a system and method for customizing articles on a computer-based display which provides a supplier database and remote client computer.

PCT World Publication 98/15908 to Hrasaki et al. (English translation) discloses a watch design preparation system based on a digital information processing technique for making a watchmaker directly manufacture an original design product matched with a consumer preference.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

Art Unit: 3625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
March 16, 2004



Jeffrey A. Smith
Primary Examiner